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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 IN RE: UBER TECHNOLOGIES, INC.,
18 PASSENGER SEXUAL ASSAULT
19 LITIGATION

MDL No. 3084 CRB

**DECLARATION OF ANGELA J.
NEHMENS IN SUPPORT OF ESTEY &
BOMBERGER'S MOTION TO
WITHDRAW AS COUNSEL FOR
PLAINTIFF JANE DOE EB 19**

20 This Document Relates to:

21 *JANE DOE EB 19 v. UBER TECHNOLOGIES,*
22 *INC., et al.*
23 Case No. 3:24-cv-05217

24 I, Angela J. Nehmens, declare:

25 1. I am an attorney in the law firm of Estey & Bomberger, LLP. I am a member of the
26 State Bar of California and am admitted to practice before this Court. I make this declaration based
27 on my own personal knowledge. If called upon to testify, I could and would testify competently to
28 the truth of the matters stated herein.

2. Plaintiff Jane Doe EB 19 has not responded to any efforts to reach her made by
myself or my staff since September 21, 2023.

1 3. Plaintiff Jane Doe EB 19's failure to communicate with our firm has presented a
2 circumstance covered by Rule 1.16(b)(4) of the California Rules of Professional Conduct. We
3 are unable to meet discovery deadlines and otherwise prosecute her case without her input. It is
4 my opinion that our withdrawal from the case has become necessary.

5 4. Under California Rule of Professional Conduct 1.16(d), my firm has taken all
6 reasonably available steps to avoid prejudice to the rights of Plaintiff Jane Doe EB 19

7 a. Before and throughout the time period described below, Plaintiff Jane Doe
8 EB 19 received numerous letters, emails, text messages, and telephone calls requesting she contact
9 our firm. In these unanswered communications, we repeatedly explained the need for her continued
10 participation in the case, the risk that her case may be dismissed, the reasons we would need to
11 withdraw as counsel absent contact.

12 b. Since early 2024, we have attempted to reach Plaintiff by telephone, email,
13 and text message numerous times. On June 6, 2024, we sent Plaintiff a letter via US Mail (USPS)
14 explaining that we needed to reach her to discuss requirements pertaining to her case and that we
15 needed her input to continue moving forward with her case. Since that date, we continued to seek
16 contact with Plaintiff via telephone, email, and text. We also attempted to reach Plaintiff's
17 "emergency contact" by telephone on August 2, 2024, to no avail. On August 16, 2024, and again
18 on September 6, 2024, we sent additional letters to Plaintiff via USPS requesting that she contact
19 our office to provide information pertinent to her case.

20 c. On October 11, 2024, we were notified by Uber regarding material
21 deficiencies identified in the Plaintiff Fact Sheet ("PFS") for Plaintiff. On October 29, 2024, we
22 sent Plaintiff another letter via email and Certified Mail explaining that her case was at risk of
23 dismissal for failure to comply with a court order, again explaining that we could not continue
24 prosecuting her case without her input. We advised that if her PFS was unable to be completed,
25 Uber would move to dismiss her case. We requested contact by November 15, 2024.

26 d. The letter sent by Certified Mail was returned to our office on November 25,
27 2024, marked by the USPS as undeliverable and unable to forward.

28 5. During this time period, we continued to meet and confer with opposing counsel,

1 obtaining extensions for the Plaintiff Fact Sheet to protect Plaintiff's case from dismissal for
2 non-compliance with discovery deadlines.

3 6. To date, Plaintiff Jane Doe EB 19 has not replied to our communications, has not
4 informed us that she intends to voluntarily dismiss her claims, and has not informed our firm that
5 alternative counsel has been retained.

6 7. We informed Uber of our intent to withdraw from this case on December 27, 2024.

7 8. Our withdrawal from this case will not impact the timing or schedule of this
8 litigation, and we have taken all reasonable steps possible to avoid prejudice to Plaintiff by
9 informing her of her options and the consequences of failing to comply with case deadlines.

10 9. I understand that pursuant to Local Rule 11-5(b), leave to withdraw may be
11 conditioned on our firm continuing to accept papers to forward to the client. We are able to
12 accept this responsibility.

13 Executed this 29th day of January 2025 in San Francisco, California.

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15 /s/ Angela J. Nehmens
16 Angela J. Nehmens
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